

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF TEXAS
DALLAS DIVISION**

STEVE SIMMS, MIKE DOLABI, and WES
LEWIS, individually and on Behalf of All
Others Similarly Situated,

Plaintiffs,

vs.

JERRAL "JERRY" WAYNE JONES,
NATIONAL FOOTBALL LEAGUE, DALLAS
COWBOYS FOOTBALL CLUB, LTD., JWJ
CORPORATION, COWBOYS STADIUM,
L.P., COWBOYS STADIUM GP, LLC, and
BLUE & SILVER, INC.,

Defendants.

**PLAINTIFFS' MOTION FOR
APPOINTMENT AS INTERIM CO-LEAD
CLASS COUNSEL**

Civil Action No. 3:11-cv-00248 M

Plaintiffs Mike Dolabi, Steve Simms and Wes Lewis on behalf of themselves and the unnamed putative class members (collectively, "Plaintiffs") respectfully move for entry of an order appointing The Law Offices of R. Jack Ayres, Jr. P.C. and Eagan Avenatti, LLP as co-lead class counsel in this action. The appointment of these firms as interim co-lead class counsel will fairly and effectively advance this litigation in an organized manner that is in the best interests of the Plaintiffs, putative class members and Defendants National Football League ("NFL"), Dallas Cowboys Football Club, Ltd. ("Dallas Cowboys"), JWJ Corporation ("JWJ"), Cowboys Stadium, L.P. ("Cowboys Stadium L.P."), Cowboys Stadium GP, LLC ("Cowboys Stadium GP"), Blue & Silver, Inc. ("Blue & Silver") and Jerral "Jerry" Wayne Jones ("Jerry Jones") (collectively, "Defendants"), as well as this Court.

Plaintiffs have met and conferred as to this matter with Defendants pursuant to Local Rule 7.1; however, Defendants have not consented to the appointment of Eagan Avenatti and The

Law Offices of R. Jack Ayres as interim class counsel. However, appointment of interim class counsel at this time is appropriate because this case is requiring expedited efforts on behalf of the putative class (including a hearing set for February 28, 2011 as to the scope of Defendants' class communications) and extensive resources are being expended on a daily basis. Hence, this Motion is timely and necessary.

This class action concerns Defendants' failure to provide assigned any seats and/or legitimate seats to approximately 3,000 fans for Super Bowl XLV at Cowboys Stadium on February 6, 2011. Many of these fans expended more than \$5,000 each and traveled from around the country to attend the Super Bowl, only to discover upon arriving at the game that their ticket was worthless due to the conduct of the Defendants as alleged in the First Amended Complaint.

This Motion is made on the grounds that Eagan Avenatti, LLP and The Law Offices of R. Jack Ayres, Jr., P.C. are well-qualified to serve as co-lead counsel pursuant to Fed. R. Civ. P. 23(g)(3) and (g)(1)(B).

This Motion is based on this Motion, the supporting Memorandum of Points and Authorities, the Declaration of Michael J. Avenatti, the Declaration of Christopher S. Ayres, the papers and pleadings on file in this action and any oral argument as deemed necessary by the Court in support of this Motion.

DATED: February 18, 2011

s/ Michael J. Avenatti

Michael J. Avenatti (*Pro Hac Vice* pending)
Bar Number: 206929
Jason M. Frank (*Pro Hac Vice* pending)
Bar Number: 190957
Lisa A. Wegner (*Pro Hac Vice* pending)
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and

s/ Christopher S. Ayres

Christopher S. Ayres
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CERTIFICATE OF CONFERENCE

The undersigned, Christopher Ayres, represents that Plaintiffs' counsel has conferred with counsel for Defendants but was unable to reach an agreement on the relief sought in this Motion. It is anticipated that the Motion will be opposed by Defendants. Defendants have indicated however that they may decide to remain neutral.

Counsel for the Plaintiffs is providing copies of Plaintiffs' Motion and supporting papers by facsimile, e-mail and overnight mail to Defendants' counsel Levi G. McCathern and George Bramblett.

DATED: February 18, 2011

s/ Christopher S. Ayres
Michael J. Avenatti (*Pro Hac Vice* pending)

CERTIFICATE OF SERVICE

On February 18, 2011, I electronically submitted the foregoing document with the clerk of court for the U.S. District Court, Northern District of Texas, using the electronic case filing system of the court. I hereby certify that I have served all counsel and/or *pro se* parties of record electronically or by another manner authorized by Federal rule of Civil Procedure 5 (b)(2).

DATED: February 18, 2011

s/ Michael J. Avenatti
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and

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